

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CANAL INDEMNITY CO.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CASE NO.: 2:05-778-MHT
	§	
WLS, INC. d/b/a S&H MOBILE	§	
HOMES; CAVALIER	§	
ACCEPTANCE CORP.; GREEN	§	
TREE; RUTH BARRON, et al.,	§	
	§	
Defendants.	§	

ANSWER OF DEFENDANT GREEN TREE-AL LLC

COMES NOW Green Tree-AL LLC ("Green Tree"), incorrectly identified as GreenTree, and for answer to the Complaint for Declaratory Judgment ("Complaint"), states as follows:

1. As to paragraphs 1 through 24 of the Complaint, Green Tree states that the Complaint in the underlying state court litigation and the applicable insurance policy at issue in this declaratory judgment proceeding speak for themselves and therefore no response is needed. As to all remaining allegations, Green Tree states that it is without sufficient knowledge or information to admit or deny these allegations and therefore these allegations are denied at this time.

Defenses

2. The Complaint fails to state a claim against Green Tree and therefore the Complaint should be dismissed as to Green Tree.

3. Green Tree is not a real party in interest nor a necessary party in this action and therefore the Complaint should be dismissed as to Green Tree.

4. Green Tree pleads waiver and estoppel as defenses.

5. Inasmuch as the Complaint does not describe the alleged underlying claims with sufficient particularity to enable Green Tree to determine all of its legal, contractual and equitable rights, it reserves the right to amend and supplement the averments of its answer to assert any and all pertinent defenses ascertained through further investigation and discovery of this action. Green Tree will rely on all defenses that may become available during discovery or trial.

6. Green Tree adopts and incorporates herein any and all defenses asserted by the co-Defendants in this matter as if fully set out herein.

Respectfully submitted,

/s/ Austin Huffaker

R. AUSTIN HUFFAKER, JR.(ASB-3422-F55R)

Attorney for Green Tree-AL LLC

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

Joseph E.B. Stewart: jstewart@maplaw.com

I hereby certify that I have this date served the above and foregoing upon:

Rickman E. Williams, III
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505 North 20th Street
Birmingham, AL 35203

by placing a true copy of same in the United States mail, postage prepaid, this the 14th day of September, 2005.

/s/ Austin Huffaker